

FILED  
CLERK

2/22/2021 3:39 pm  
For Online Publication Only  
**U.S. DISTRICT COURT**  
**EASTERN DISTRICT OF NEW YORK**  
**LONG ISLAND OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ROBERT S. STONE, JR.,

Plaintiff,

-against-

GOVERNOR ANDREW M. CUOMO,

Defendant.  
-----X

**AZRACK, United States District Judge:**

The Court's records reflect that the complaint in this action was filed on December 9, 2020.  
(ECF No. 1.)

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Accordingly, if service is not made upon defendant by **March 9, 2021**, or plaintiff fails to show good cause why such service has not been effected, the complaint will be dismissed without prejudice. **Plaintiff is to provide a copy of this Order to defendant along with the summons and complaint and shall file proof of service with the Court.**

Plaintiff is required to advise the Clerk of Court of any changes of address. Failure to keep the Court informed of plaintiff's current address may result in dismissal of the case. Although plaintiff paid the filing fee, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that should plaintiff seek leave to appeal in forma pauperis, any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal.

**ORDER**  
20-CV-6006(JMA)(ST)

See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

**SO ORDERED.**

Dated: February 22, 2021  
Central Islip, New York

/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE